

FCC MAIL SECTION

ORIGINAL  
FILE

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Federal Communications Commission  
Office of the Secretary

SECRETARY

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

Sir:

This letter is in response to RM7669. ✓

As stated in Mr. Howard's original letter, there seems to be a conflict, or the appearance of a conflict, in the way sections 97.113 and 97.109 can be interpreted and therefore the manner in which enforcement can take place.

If the position of the Norfolk EIC is allowed to stand, then all of amateur radio might as well go back to the dark ages of communication via CW and RTTY modes for traffic handling. This is not in the best interest of amateur radio, the commission, or the country as a whole.

One of the primary goals of congress in enacting the amateur radio portion of the communications act has long been stated to provide a cadre of trained operators capable of handling communications in an emergency. Another is to provide a forum for experimentation and advancement of the communications field.

The creation of an atmosphere wherein all amateurs are subject to punitive action if they participate in modern digital communications will tend to discourage any, or very little, participation in experimentation and practice in automatic, digital communications.

It is my humble opinion, that only the originator of prohibited traffic should be held liable for its transmission. If I should receive a message containing prohibited material and then KNOWINGLY and WILLFULLY re-transmit it, then yes, I am also guilty. But if my station is operating in automatic mode, then I should not be liable for the unknowing re-transmission of prohibited traffic; so long as I take reasonable steps to stop or inhibit transmission once I am aware of the existence of proscribed communications.

In view of the above comments, I urge the commission to clarify section 97.113 such that the provisions of 97.109 are not abrogated.

Respectfully submitted;



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